

EXHIBIT FOUR

Condensed!

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1 Q Why don't you tell me what her conduct
2 and demeanor in the office was like?
3 A I would say that her conduct was often
4 unpredictable and behavior
5 unpredictable. By that I mean, if you
6 were to approach her, sometimes she was
7 pleasant. Other times she would almost
8 seem as though she did not enjoy being
9 interrupted or distracted. Human
10 Resource is a customer operations
11 business. That's what we do. My theme
12 for at least the length of time that I
13 was a supervisor has always been that the
14 customer is not an interruption of our
15 business. The customer is each other, as
16 well as the external customer. Her
17 response could not always be counted on
18 as far as being what I would consider a
19 good customer service response. She also
20 had some problems where -- strike that,
21 if I can get away with a strike.
22 She would sit very often in a
23 chair and rock back and forth as just
24 part of her demeanor in sitting in an

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1 office, which it was brought to my
2 attention on more than several occasions
3 that people found that somewhat off
4 putting. I spoke to her about that on
5 several occasions.
6 Q Anything else about her conduct or
7 demeanor that you recall, Ma'am?
8 A I do remember one other time when she
9 appeared to have -- well, she did have
10 her head down on her desk and was --
11 well, again, I remember speaking to her
12 about that. What I said, I don't
13 remember.
14 Q Anything else about her conduct while you
15 supervised her that was out of the
16 ordinary or unusual?
17 A I don't remember when it was, whether it
18 was when I was supervising her -- I'm a
19 pretty hands-on supervisor. So if there
20 was anything that I felt was
21 inappropriate or if there was something
22 else that might have happened, I would
23 have mentioned it or brought it to her
24 attention.

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1 Q Okay. We will pursue that a little bit.
2 When did you get your law degree, Ma'am?
3 A When?
4 Q Yes.
5 A In 1998.
6 Q Okay. Did you take any courses in
7 employment or discrimination law?
8 A Not in discrimination law, no.
9 Q But in labor law?
10 A Yes.
11 Q You mentioned that at some point you had
12 training in labor and employee relations?
13 A Ah-huh.
14 Q Yes?
15 A Yes.
16 Q When was that?
17 A Over the course of a number of years.
18 Q Have you ever had any training in the
19 Americans with Disabilities Act?
20 A I don't believe that I have taken a
21 course in that.
22 Q Have you had any training in it, though?
23 A Yes.
24 Q When, and what kind of training?

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1 A Generally we have had over the years
2 conferences, employee relations
3 conferences in which they may have
4 offered different trainings or different
5 short courses in different types of
6 subject matter.
7 Q Right.
8 A And I believe I have attended that type
9 of training.
10 Q About the Americans with Disabilities
11 Act?
12 A Yes.
13 Q Do you recall when that would have been?
14 A I don't.
15 Q Was it prior to 2001?
16 A I can't be for certain.
17 Q In 2001, did you have any familiarity
18 with the Americans with Disabilities Act?
19 A I believe that I had a familiarity with
20 it.
21 Q Okay. Am I correct that in 2001 and
22 2002, you supervised Mr. Pagnini, or am I
23 wrong there?
24 A I probably did.

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1 Q. Okay. And you supervised him in his role
2 as Employee Assistance Program Manager?

3 A. That's correct.

4 Q. Did you draw any conclusions about Ms.
5 Tines as a result of this rocking back
6 and forth behavior, Ma'am?

7 MR. FARQUHAR: I'm going to
8 object to the form of the question with
9 regards to the conclusions. You can
10 answer it, if you can.

11 Q. Let me rephrase that. Did you form any
12 opinion about Ms. Tines as a result of
13 this rocking back and forth behavior?

14 (Pause.)

15 A. You know, I don't know if I did or not,
16 frankly.

17 Q. Did you have any knowledge back in 2001
18 and 2002 as to whether people with
19 psychiatric disabilities on occasion rock
20 back and forth?

21 A. I did not.

22 Q. Okay. Did you have any opinion as to
23 whether any of Ms. Tines behavior or
24 conduct difficulties in '01 or '02 were

1 though you are focused." You know, I
2 can't really remember what I said.

3 Q. Do you remember specifically talking to
4 her about the rocking behavior?

5 A. I do, yes.

6 Q. Okay. But you don't recall exactly what
7 you said?

8 A. No. No.

9 Q. All right. Did you ever suggest to her
10 that she seek psychiatric counseling or
11 therapy as a result of these behaviors?

12 A. I'm having difficulty with your
13 characterization of psychiatric.

14 Q. What characterization is that, Ma'am?

15 A. In the sense that my job as a supervisor
16 is to focus on work-related issues; and
17 we had a public assistance program in
18 order to do so. So, yes, I did suggest
19 that she seek employee assistance; if she
20 had some personal problems, or other
21 problems, that the Employee Assistance
22 Program might be helpful.

23 Q. Okay. So you recall saying that to her?

24 A. I do.

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1 due to any psychiatric condition?

2 A. I don't believe so.

3 Q. Did you give her any instruction or
4 counseling with regard to these behaviors
5 you have described?

6 A. I believe I did.

7 Q. What counseling or instruction would you
8 give her?

9 A. I think as I referred to just recently in
10 my testimony here, that it was off put.
11 I really can't remember much more beyond
12 that.

13 Q. Well, I asked you if you had given her
14 any instructions or done anything with
15 her as a result of these behaviors to
16 help her correct them. You told me it
17 was off putting.

18 Did you do anything to instruct
19 her or counsel her about these behaviors?

20 A. I would consider my conversations with
21 her counseling, in the sense that I would
22 say it might put somebody off. I would
23 say, "People feel uncomfortable walking
24 into your cubicle. It doesn't feel as

1 Q. How many occasions did you say that to
2 her on?

3 A. I have no recollection.

4 Q. Was it more than one?

5 A. I have no idea.

6 Q. How far into your supervision of her was
7 it that you said that?

8 A. I have no idea.

9 Q. You don't know if it was the beginning,
10 the middle or the end?

11 A. No.

12 Q. No?

13 A. No.

14 Q. So you never told her or suggested that
15 she receive psychiatric counseling or
16 treatment, but you suggested that perhaps
17 she should go to Employee Assistance,
18 correct?

19 A. That's correct.

20 Q. Why is it that you suggested that perhaps
21 she should go to Employee Assistance?

22 A. As I said, my job as a supervisor in that
23 particular situation is any time there is
24 a behavior, or a conduct, or however we